

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

- against - :

STEVEN BYERS, et al., :

Defendants, :

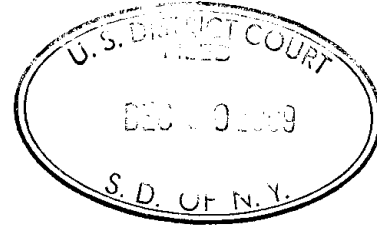
- and - :

ELKA SHERESHEVSKY :

Relief Defendant :

08 Civ. 7104 (DC)

NOTICE OF APPEAL



Notice is hereby given that claimant and interested non-party Broadway Bank (Broadway) hereby appeals to the United States Court of Appeals for the Second Circuit from: (a) the Opinion that was "SO ORDERED" and entered on the docket on December 3, 2009 [Docket Entry # 579], attached hereto as Exhibit A, which constitutes the district court's final resolution of the claims dispute between Broadway and the Receiver; (b) the Order entered on August 19, 2009 [Docket Entry # 441], attached hereto as Exhibit B, which denied Broadway's motion to intervene in this action; and (c) the Opinion that was "SO ORDERED" and entered on the docket on July 23, 2009 [Docket Entry # 428], attached hereto as Exhibit C, which approved the Receiver's proposed plan of distribution.

Respectfully submitted,

James B. Daniels

James B. Daniels (JD 8267)

jdaniels@buddlerner.com

Donald P. Jacobs (DJ 2827)

djacobs@buddlerner.com

BUDD LARNER, P.C.

890889 8455 12/30/09 CL

150 John F. Kennedy Parkway
Short Hills, NJ 07078
Telephone: (973) 315-4424
Fax: (973) 379-7734

Attorneys for Claimant and Interested
Non-Party Broadway Bank

Dated: December 29, 2009
Short Hills, New Jersey

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